

ENVIRONMENTAL ASSESSMENT

Mary Gray Parcel Land Sale

EA # OR-118-03-001

July 2003

This environmental assessment (EA) for the proposed Mary Gray parcel sale was prepared utilizing a systematic interdisciplinary approach integrating the natural and social sciences and the environmental design arts with planning and decision making.

Public notice of the availability of the EA is being provided through the BLM Medford District's web site at www.or.blm.gov/Medford/ and advertisement in the Grants Pass Courier and the Douglas County Press.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT
GLENDALE RESOURCE AREA

EA COVER SHEET

Proposed Action: Sale of a land parcel containing approximately 2.45 acres to the Mary Gray family to settle a long-standing occupancy trespass.

Type of Statement: Environmental Assessment (EA)

Lead Agency: USDI Bureau of Land Management

Cooperating Agencies: United States Fish and Wildlife Service, National Marine Fisheries Service.

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Chapter 1 - Purpose and Need

1.0 Purpose and Need for the Proposed Action

A parcel of BLM land is occupied by long-time resident Mary Gray. Mary Gray has been in residence since approximately 1930. The BLM needs to resolve an inadvertent trespass issue while considering the circumstances leading up to it. One way to reach a mutually agreeable resolution is for the BLM to sell the 2.45 acre parcel to Ms. Gray at fair market value. The history of this property supports such a resolution.

1.1 Background and Existing Environment

In the winter of 1966/67 the BLM resurveyed the north/south sections line between Section 2 and 3 in Township 34 South, Range 7 West. The survey found that the Gray's house, yard, and outbuildings extended over the boundary line. Jack Gray stated that the Gray's have been inadvertently occupying on this parcel of BLM managed land due to faulty information received from a land surveyor. The Gray's have been willing to work with BLM to resolve the issue.

This land parcel has been occupied by Mary Gray since the 1930's. The husband of Mary worked for the North American Mining Company and an assay office was located on the property. The current parcel was mined in the early 1850's until approximately the 1930's as evidenced by the hydraulic mining features contained on the property. According to Mr. Jack Gray, the same area was mined prior to their arrival probably by Chinese miners first in the 1850's and 1860's. A small sawmill operation was also located in the area around the time of 1950.

The Gray's have valid water rights from Butte Creek for their water and a septic system which was built in the 1960's and repaired in the 1970's. A few existing trees stand on the parcel containing approximately 3.5 MBF of second growth Douglas fir and approximately 0.8 MBF of Ponderosa pine with a combined valued of approximately \$1,300.

1.2 Plan Conformance

This environmental assessment tiers to the analysis leading to the *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M ROD) (USDI, USDA 2001) and the *Medford District Record of Decision and Resource Management Plan* (RMP) (USDI 1995), as amended. These documents are available at the Medford BLM office and the Medford BLM web site at < <http://www.or.blm.gov/Medford/> > .

1.3 Decisions to be Made Based on This Analysis

The Glendale Resource Area Field Manager must decide:

- 1) Whether or not the impacts of the proposed action are significant to the human environment beyond those impacts addressed in previous NEPA documents. (If the impacts are determined to be insignificant, then a Finding of No Significant Impact (FONSI) can be issued and a decision can be implemented. If any impacts are determined to be significant to the human environment, then an Environmental Impact Statement must be prepared before the Manager makes a decision).
- 2) Whether to implement the proposed action, or defer to the no action alternative.
- 3) Determine whether the selected alternative is consistent with the Resource Management Plan.

Chapter 2 - Alternatives

2.0 Introduction

This chapter describes and compares the proposed action alternative and the No Action alternative. This chapter also outlines specific project design features that are an essential part of the proposed action.

2.1 Alternative 1 (Proposed Action):

The Glendale Resource Area of the Medford District of the Bureau of Land Management proposes to sale, at fair market value, a parcel of BLM administered lands to Mary Gray to resolve the long term inadvertent occupancy and use of those BLM lands. The property line nearest Grave Creek would be established at least 70 feet (the edge of the lawn) from Grave Creek in order to retain management of important floodplain and riparian habitat. The roadside would continue to be managed as weed free. The BLM lands are described in general as follows:

T. 34 S., R. 7 W., Section 3, E½NE¼NE¼SE¼,
Willamette Meridian, Josephine County, Oregon

2.1.1 Project Design Features

Project Design Features (PDFs) are specific measures included in the design of the proposed action to minimize negative impacts on the human environment. Many project design features for projects in the Medford District are specified in the RMP under Best Management Practices (BMP) as described in Appendix D of the RMP (RMP pp 152-165). These project design features would be implemented when applicable.

2.2 Alternative 2: No Action Alternative

Under the No Action Alternative, the BLM would continue current management direction under the Medford District Resource Management Plan. The BLM would need to consider other options to resolve the trespass.

Chapter 3 - Environmental Consequences

3.0 Introduction

This chapter describes the relevant resource components of the existing environment. The location of the parcel is in T. 34 S., R. 7 W., Section 3 E½NE¼NE¼SE¼, Josephine County, Oregon, Willamette Meridian.

The diversity of the Gray's property and the BLM parcel attracts neo-tropical bird migrants, as well as black-tailed deer. Grave Creek is a 7th order tributary of the Rogue River, and supports chinook and coho salmon, steelhead and cutthroat trout, sculpin and several other non-salmonids. Southern Oregon/Northern California coho salmon are listed as Threatened under the Endangered Species Act. Fish habitat in mainstem Grave Creek at the parcel is severely degraded due to low streamflow and high water temperatures during summer from many water diversions upstream, sediment deposition, logging, historic and current placer mining. The land has been placer mined intermittently since the mid-1850s and has been occupied as a homesite by the Gray family since the 1930's. Improvements on the land include a house, lawn and several small outbuildings. Vegetation on the parcel currently consists of a large lawn, several large riparian hardwoods, shrubs and small trees. The parcel has been in this condition for many decades, following re-contouring of a mining claim.

3.1 Riparian Zone

The riparian zone consists of red alder, Oregon ash, big leaf maple and Himalayan blackberry. Average distance between the lawn and the streambed ranges from 70 to well over 100 feet. There are no conifers on the parcel within one site potential tree of Grave Creek, except near the southern boundary of the property, where there are several dozen Douglas-fir and ponderosa pine up to two feet in diameter (most are much smaller).

Bureau Special Status Species

Botany records were searched for Bureau Special Status (BSS) plant species in the vicinity of the Mary Gray Land Sale to identify potential conflicts with the Proposed Action. Between 1989 and 2002, 319 acres within one mile of the proposed land sale were surveyed for BSS vascular plant species. Of these, three BSS vascular plant sites were identified, two locations of *Eschscholzia caespitosa* and one location of *Cypripedium fasciculatum*. All of these plants and locations are in very different habitat than the habitat found in the Mary Gray Land Sale parcel.

The site was surveyed for non vascular plants on October 21, 2002 and found to have no BSS or Survey & Manage species. At that time it was also re-checked for BSS vascular plants, and none were found.

3.2 Cultural Resources

Since this area was not previously recorded a completed cultural resource site report was established. A check of the Medford District cultural resource files was accomplished to verify that no other archaeological sites are located in that area and that no previous site recordation occurred. The environmental landscape contains what is considered high probability land and this area was surveyed using a series of 20 meter transects. The area was defined as high probability due to proximity of the land to a creek area with a large flat terrace, stacked rock features and tailing piles. The slope is 3-5%. The ground visibility at the time of survey was good in some sections and poor in other sections. The survey revealed additional artifacts and features which were recorded in the cultural resource site report. This report is on file at the Medford District Office BLM.

Site data includes historical artifacts and rock features from mining operations dating from 1850's to the 1930's. Historical artifacts from the sawmill operation in the late 1940's and household debris from the 1920's to the 1950's which accumulated from the Gray's occupancy are present on the site. The historical material is be recorded and can be found in the cultural resource site record.

Chapter 4 - Environmental Consequences

4.0 Introduction

This chapter provides discussion of the potential environmental impacts to the proposed action and the no-action alternative.

Table 4-1 Critical Elements by Alternative The following elements of the human environment are subject to requirements specified in statute, regulation, or executive order and must be considered in all EAs. The Y=yes and N=no designates whether each resource or issue would be affected under each specified alternative.

Resource or Issue Affected by Alternative	Alternative		Resource or Issue Affected by Alternative	Alternative	
	1	2		1	2
Air Quality	N	N	Threatened and Endangered Species	N	N
ACEC	N	N	Wastes, Hazardous / Solid	N	N
Cultural	Y	Y	Water Quality	N	N
Farmlands, Prime / Unique	N	N	Riparian Zones	N	N
Floodplains	N	N	Wild and Scenic Rivers	N	N
Native American Religious Concerns	N	N	Wilderness	N	N
Invasive Species	N	N	Environmental Justice	N	N
Energy	N	N	Essential Fish Habitat	N	N
Survey and Manage Species	N	N			

Direct, indirect and cumulative effects were considered. Direct effects are site-specific and result from the immediate action. Indirect effects occur at a different place or time than the proposed action.

4.1 Floodplains and Riparian Reserves

The 300' x 400' parcel of O&C land is located on a broad terrace within a Riparian Reserve on the east side of Grave Creek. The Mary Gray house is located within the Grave Creek floodplain. Flood water levels have reached the house four times, twice in the 1950's, in 1964, and in 1974. Due to the close proximity to the creek, it would be expected that any time a major flood event occurs in Grave Creek, water levels would reach the house. This would occur regardless of whether the land sale took place or not. A minimum 70-foot wide band of riparian vegetation, consisting primarily of riparian hardwoods, a few conifers and Himalayan blackberry, adjacent to Grave Creek would remain public land.

The proposal is in conformance with all ACS Objectives because it would not involve any ground disturbing activities (including road construction), timber harvest or other vegetation manipulation. It is anticipated that current use of the land as a homesite would continue. Continuing the status quo (inadvertent trespass), leasing the land or selling it to the Grays would not change existing use nor would it result in riparian habitat recovering to properly functioning condition. Standard and Guideline LH-4 (USDA-FS, USDI-BLM, 1994) would be implemented to ensure that BLM retains management of Grave Creek and associated riparian habitat. The 2.45 acre parcel is insignificant compared to all riparian acres under BLM management on lower Grave Creek. Additionally, no other BLM parcels on Grave Creek or its tributaries are being considered for disposal.

4.2 Invasive Species

The area adjoining BLM Road #34-7-3 contains a substantial population of Scotch Broom and some Knapweed. Scotch Broom infests approximately 10 square meters of this site. Knapweed was found on the site in road-beds and along Grave Creek. Based on the size of the plants, it appears they have been there for a number of years. Roadside populations of Scotch Broom and other noxious weeds are an ongoing problem on BLM lands.

Roadside population of Scotch Broom is likely a direct and an indirect source of present level of noxious weeds along the road due to the traffic in and out of the homes and along the main road.

If and when future eradication projects are initiated along Road #34-7-3, it can likely proceed as easily whether ownership of the parcel remains BLM or is transferred to private ownership.

4.3 Threatened and Endangered Species and Essential Fish Habitat

T&E Plants

The range and soil type for *Fritillaria gentneri*, a Federally listed Endangered plant species, occurs on the upslope margin of the proposed land sale parcel. Botanical surveys conducted in 2002 resulted in no finds of *Fritillaria gentneri*.

T&E Wildlife

Alternative 1 (Proposed Action)

Conveyance of the land to the Grays will have No Effect on Southern Oregon/Northern California coho salmon. Essential Fish Habitat (Magnuson-Stevens Act) would also be unaffected. The vegetative condition near the stream would not be expected to be improved whether the land is transferred to the Gray family or remains in BLM ownership. Neither alternative would be expected to result in riparian habitat recovering to proper functioning condition. The area under consideration represents a very small percentage of riparian acres under BLM management on mainstem lower Grave Creek. A minimum 70-foot wide band of

riparian vegetation, consisting primarily of riparian hardwoods, a few conifers and Himalayan blackberry, adjacent to Grave Creek would remain public land. The area does not occur in a Northern Spotted Owl Critical Habitat Unit, a Late Successional Reserve, or in a marbled murrelet Critical Habitat Unit.

Alternative 2 (No Action Alternative)

No effects would be anticipated to occur.

4.4 Cultural Resources

Alternative 1

Selling the land under the proposed action would have no effect on the cultural resources present on the land because as a mitigation measure, the archaeological site (#OR110-1193) was recorded and documented. This documentation included a cultural resource site report, site sketch maps, site data and photo record. In addition, an oral interview with Mary Gray's son, Jack Gray was documented. Under this alternative archaeological site #OR110-1193 would remain intact.

Alternative 2 (No Action)

No effects would be anticipated to occur. Archaeological site #OR110-1193 would remain intact.

4.5 Cumulative Impacts

Cumulative effects are generally not site-specific and are not readily attributable to any one action. Cumulative effects are the result of past, immediate, and reasonably foreseeable actions on a larger area, such as a watershed, regardless of ownership. No other BLM parcels on Grave Creek or its tributaries are being considered for disposal. Neither the proposed action nor the no-action alternative would lead to cumulative impacts on the human environment.

Chapter 5 - List of Agencies and Persons Consulted

A legal notice will be placed in local newspapers to announce to the public that the Glendale Resource Area has analyzed the proposal to sell the parcel to the Gray family. In addition, notification of this proposal will be sent to adjacent landowners and all other interested parties. The Field Manager will consider all input before reaching a finding or making a decision concerning this proposal.

List of Preparers:

<u>Name</u>	<u>Title</u>	<u>Primary Responsibility</u>
Robert Bessey	Fisheries Biologist	Soils/Air/Water/Riparian/Fisheries
Marlin Pose	Wildlife Biologist	Wildlife
Michelle Kohns	Ecosystem Planner	NEPA
Anita Sedaghaty	Botanist	Plants and Fungi
Sondra Nolan	ROW Specialist	Rights-of-way
Deston Russell	Engineer	HazMat Issues
Amy Sobiech	Archaeologist	Cultural Resources

The Proposed Action has been screened for compliance with the Endangered Species Act, The American Indian Religious Freedom Act, Historic Preservation Act, Bureau of Land Management policies related to the ecosystem objectives and concepts in the Medford District Resource Management Plan (RMP) and with the Aquatic Conservation Strategy of the Northwest Forest Plan. Furthermore, this action has been screened from a landscape perspective and there are no effects anticipated from this action that would foreclose future management options in relation to the watershed management objectives identified through Watershed Analysis.

Comments, including names and street addresses of respondents, will be available for public review. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Michelle Kohns
Michelle Kohns
Glendale RA Ecosystem Planner
Reviewed for format and consistency

7/23/03
Date

References

USDI-BLM. 1995. Record of Decision and Resource Management Plan. Medford, Oregon

USDA-FS, USDI-BLM. 1994. Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl. Pacific Northwest

USDA-FS, USDI-BLM. 2001. Final Supplemental Environmental Impact Statement to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines. Portland, Oregon

Gray, Jack. Oral Interview. September 15, 2002.

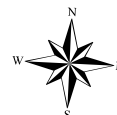
Mary Gray Parcel Land Sale

Project Location



United States Department of the Interior
Bureau of Land Management
Medford District
Glendale Resource Area
3040 Biddle Road
Medford, OR 97504-4119

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1 inch equals 10 miles

